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APR 1 2003

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(703) 816-4091**FACSIMILE COVER SHEET**
PLEASE DELIVER IMMEDIATELY!!!!

Our Ref.: 3974-3
 Your Ref.: Appln No. 09/989,103 Date: March 27, 2003

To: Examiner CHEN
 Firm: USPTO - Group 1632
 Facsimile No.: Facsimile No.: 7033084242 (Examiner's Tel. No.: 7033051678)
 From: B. J. Sadoff

Number of Pages (including cover sheet): 8
 (IF YOU DO NOT RECEIVE ALL OF THE PAGES OR ENCOUNTER DIFFICULTIES IN TRANSMISSION,
 PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).

FACSIMILE OPERATOR

ATTACHMENT/S: Submission, 2 cvr sheets with charge authorization, copy of
 Request submitted February 27, 2003 and post card receipt from the same

| IN THE UNITED STATES PATENT AND TRADEMARK OFFICE | | | |
|--|--|-------------|----------------------------|
| In re Patent Application of | | RECEIVED | |
| TITBALL et al | | Atty. Ref.: | 3974-3 MAY 01 2003 |
| Serial No. | 09/989,103 | Group: | 1632 |
| Filed: | November 21, 2001 | Examiner: | CHEN TECH CENTER 1000 2900 |
| For: | PHARMACEUTICALS AND ASSAYS USING ENZYME SUBUNITS | | RECEIVED |
| * * * * * | | | APR 04 2003 |

Technology Center 2600

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 3974-3

VIA FACSIMILE - 703-308-4242

TITBALL et al

C# M#

Group Art Unit: 1632

Serial No. 09/989,103

Examiner: CHEN

Filed: November 21, 2001

Date: March 27, 2003

Title: PHARMACEUTICALS AND ASSAYS USING ENZYME SUBUNITS

Assistant Commissioner for Patents
Washington, DC 20231

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APR 04 2003

Technology Center 2600

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ Correspondence Address Indication Form Attached.

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Fees are attached as calculated below:

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$ 18.00

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$ 84.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months)

Terminal disclaimer enclosed, add \$ 110.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00)

☐ Please enter the previously unentered, filed

☐ Submission attached

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)

Assignment Recording Fee (\$40.00)

Other:

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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Telephone: (703) 816-4000
Facsimile: (703) 816-4100
BJS:

NIXON & VANDERHYE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 

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MAY 14 2003

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 3974-3

VIA FACSIMILE - 703-308-4242

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Group Art Unit: 1632

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| Total effective claims after amendment | 0 | minus highest number | | |
| previously paid for | 20 | (at least 20) = | 0 | x \$ 18.00 |
| Independent claims after amendment | 0 | minus highest number | | |
| previously paid for | 3 | (at least 3) = | 0 | x \$ 84.00 |
| If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) | | | | |
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By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 

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MAY 14 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE MAY 14 2003

In re Patent Application of

TITBALL et al

Serial No. ~~09/989,130~~ 09/989,130

Filed: November 21, 2001

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MAY 01 2003

TECH CENTER 1600/2900

Atty. Ref.: 3974-3

Group: 1632

Examiner: CHEN

TECH CENTER 1600/2900

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For: PHARMACEUTICALS AND ASSAYS USING ENZYME SUBUNITS

* * * * *

March 27, 2003

Assistant Commissioner for Patents
Washington, DC 20231

VIA FACSIMILE - 703-308-4242

Sir:

SUBMISSION

Pursuant to a teleconference with the Examiner on March 27, 2003, attached is a further copy of the undersigned's Request filed in the above on February 27, 2003, along with a copy of the undersigned's post card receipt from the same. Action on the attached is requested.

The undersigned notes that the Examiner indicated during the teleconference of March 27, 2003, that the attached Request of February 27, 2003, had apparently not been matched with the Patent Office file. The undersigned has now appreciated that even though (1) the last name of the first applicant, (2) the filing date, (3) the title, (4) the Examiner's name, (5) the attorney reference and (6) the Examiner's Group are correctly identified on the attached Request, the Serial Number of the Request is the Serial Number of the parent application. It is the undersigned's understanding that the Patent Office receives papers similarly identified (i.e., with a Serial No. of a parent case early in

TITBALL et al
Serial No. 09/989,103

prosecution of a child application) and in such situations the Patent Office is able to match the paper with the correct application based on the other identifiers, such as (1) - (6) noted above. It is believed therefore that the Request was timely filed and an extension fee should not be required for consideration of the attached. A cover sheet with a charge authorization is attached however in the event the Patent Office believes otherwise.

An early and favorable Action on the attached Request is requested.

The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

B. J. Sadoff
Reg. No. 36,663

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**COPY**

In re Patent Application of

TITBALL et al

Atty. Ref.: 3974-3

Serial No. ~~08/894,527~~ 09/989,130

Group: 1632

Filed: November 21, 2001

Examiner: CHEN

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MAY 14 2003

For: PHARMACEUTICALS AND ASSAYS USING ENZYME SUBUNITSTECH CENTER 1600/2900

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February 27, 2003

Assistant Commissioner for Patents
Washington, DC 20231**RECEIVED**

APR 04 2003

Sir:

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REQUEST

The Office is requested to issue a new Office Action in place of the Office Action dated January 27, 2003 (Paper No. 4), and reset the date for responding from the mailing of the new Action, as the Office Action of January 27, 2003, contains errors which make it impossible for the applicants to respond to the Office Action of January 27, 2003.

Specifically, the Examiner has indicated that the pending claims (i.e., claims 32-38) define five allegedly separately patentable inventions based on the Examiner's belief that the claimed pharmaceutical composition comprises a pharmaceutical agent which is, alternatively, a nucleic acid (Group I), a protein (Group II), an antibody (Group III), an oligonucleotide (Group IV) or an organic compound other than nucleic acid, antibody, protein or oligonucleotide (Group V). The claims however comprise an antibody conjugated to a lipase able to lyse liposomes or lipase component having no or less lipase

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Serial No. 08/894,527

COPY

activity in comparison to a corresponding lipase holoenzyme. The claimed pharmaceutical composition may also optionally contain a pharmaceutically acceptable carrier, diluent or excipient. The lipase component of the claims is selected from a group consisting of N-terminal recombinant CPAT and C-terminal recombinant CPAT. The claims further define a pharmaceutical package containing the recited elements. The claimed pharmaceutical composition therefore does not recite the alternative inclusion of elements indicated by the Examiner as a basis for requiring an election. The Office Action of January 27, 2003, therefore is erroneous in this regard and the applicants are unable to respond to the same. A new Action is requested which reflects the claimed subject matter.

The applicants submit the claimed invention defines a single invention and an Action on the merits is requested.

In any event, as the applicants are unable to respond to the Office Action of January 27, 2003, a new Action is requested wherein the date for response is reset from the mailing of the new Action.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

B. J. Sadoff
Reg. No. 36,663

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